

## **Total Ban of Single-Use Bags**

Chapter 14 “Businesses” of the Code of Ordinances, City of Belfast, Maine, is hereby amended to add an additional Article VII and to read as follows:

Section 14-329 to 350 Reserved

Article VII. Ban on the use of Single- Use Carryout Bags

Section 351. Purpose of the Article.

The City Council finds as follows:

- (1) The Council has a duty to protect the natural environment and the health of its citizens and visitors; and
- (2) Single-Use Carryout Bags have a harsh environmental impact on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife and solid waste generation; and
- (3) Single-Use Bags, including but not limited to “plastic” or “cornstarch” based Bags, are a frequent source of litter and pollution, and it has been estimated that on average, each American uses over 300 Single-Use Carryout Bags per year; and
- (4) The use of Single-Use Carryout Bags has significant impacts on the marine and land environment of all coastal communities including, but not limited to, contributing to the potential death of fish, fowl, and wildlife through ingestion and entanglement and altering marine ecosystems by smothering plants; and
- (5) It is in the best interest of the citizens of the City of Belfast to reduce the cost of City solid waste disposal at the taxpayer’s expense, and to protect the environment and natural resources by discouraging the distribution and use of disposable, Single-Use Carryout Bags and encouraging the use of Reusable Bags in Stores, as defined in this section; and
- (6) The City through its policies, programs and laws supports efforts to reduce the amount of waste that must be disposed of by supporting the State waste management hierarchy to reduce, reuse, recycle, compost and landfill; and

(7) Communities in Maine which have enacted similar Ordinances have seen a substantial increase in the use of Reusable Bags, which has become the new normal in terms of the transportation of food and merchandise.

#### Section 352. Definitions.

As used in this Ordinance the following terms have the following meanings:

**Single-Use Carryout Bag** means a bag provided at a Store's or retail Vendor's check stand, cash register, point of sale or other point of departure for purposes of transporting food, or merchandise out of the location or Store. The term Single-Use Carryout Bag includes compostable and biodegradable Bags, but does not include paper bags, Reusable Bags, Produce Bags or Product Bags as defined herein.

**Produce Bag** or **Product Bag** means any bag without handles used exclusively to carry produce, meats, or other food items or merchandise within the Store to the point of sale inside a Store or to prevent such items from coming in direct contact with other purchased items.

**Reusable Bag** means a bag that meets all of the following criteria:

- (a) Designed and manufactured to withstand 50 repeated uses over the lifetime of the bag;
- (b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;
- (c) Is at least four mils thick; and
- (d) Has the capability of carrying a minimum of 18 pounds.

**Store** means all retail Vendors and establishments, including but not limited to convenience stores, bars, restaurants, sellers of food, drink, merchandise, and/or dry goods sold to the ultimate consumer for direct use or consumption, and not for resale.

#### Section 353. Restrictions on Single-Use Carryout Bags.

Except as provided in this Section, no Store shall provide a Single- Use Carryout Bag to a customer at a checkout stand, cash register, point-of-sale or other point of departure for the purpose of transporting any goods or merchandise out of the establishment.

#### Section 354. Violations and Enforcement

The City Manager or his/her designee(s) shall have the primary responsibility for the enforcement of this Ordinance. If the City Manager or his/her designee(s) determines that a violation of this article has occurred, he/she shall issue a written warning notice to the Store that the violation has occurred and request compliance with this Ordinance. Subsequent violations of this Ordinance shall be subject to the legal fees and penalties set forth below. Each day of violation shall be deemed a separate violation subject to the fines and Attorney's fees as described below.

Violations of this Ordinance shall be punishable by fines and reimbursement of the City's legal fees for the enforcement and prosecution of this ordinance, as follows:

- (i) A fine not exceeding \$100 for the first violation in a one year period;
- (ii) A fine not exceeding \$250 for the second and each subsequent violation in a one year period; and,
- (iii) Reimbursement of the City's legal fees and costs for prosecution of each violation.

#### Section 355. Permitted Bags.

Nothing in this Article shall be construed to prohibit customers from using Bags of any type that the customer brings into the Store for their own use or from carrying away from the store goods that are not placed in a bag provided by the Store.

#### Section 356.

If any part or provision of this Article or the application thereof to any person or circumstances is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions in this Article are severable.

#### Section 357. Exemptions.

A Store or retail Vendor shall be exempt from the provisions of this Article, in an emergency situation, if so determined by the City Manager to address an emergency for the immediate preservation of the public health, safety or welfare.

Section 358. Effective Date

The provisions of this Ordinance shall become effective on May 4, 2018.